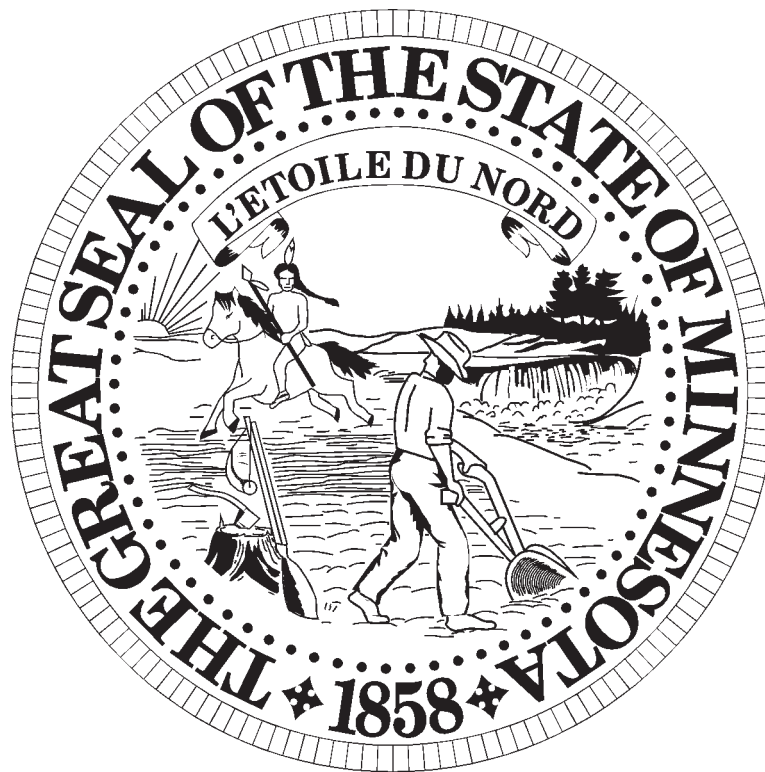


State of Minnesota

State Register



Rules and Official Notices Edition

Published every Monday (Tuesday when Monday is a holiday)
by the Department of Administration – Communications Media Division

Monday 4 October 2004
Volume 29, Number 14
Pages 377 - 392

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Printing Schedule and Submission Deadlines			
Vol. 29		Deadline for: Emergency Rules, Executive and	
Issue Number	PUBLISH	State Grants, Professional-Technical-Consulting	Deadline for Both
	DATE		
		Contracts, Non-State Bids and Public Contracts	Adopted and Proposed RULES
#14	Monday 4 October	Noon Tuesday 28 September	Noon Wednesday 22 September
#15	Monday 11 October	Noon Tuesday 5 October	Noon Wednesday 29 September
#16	Monday 18 October	Noon Tuesday 12 October	Noon Wednesday 6 October
#17	Monday 25 October	Noon Tuesday 19 October	Noon Wednesday 13 October

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House Public Information Services (651) 296-2146: State Office Building,
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Website: www.senate.leg.state.mn.us/departments/secretary/seninfo.htm

Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498

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St. Paul, MN 55155 Website: www.courts.state.mn.us

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available through Minnesota's Bookstore
(651) 297-3000, or (800) 657-3757, or Web site:
www.minnesotasbookstore.com

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

Volume 29, Issue #14

(See Issue #13 for the rule numbers that
appeared in issues #1 - 13)

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Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Standard Industrial Classification List for AWAIR

The rules proposed and published at *State Register*, Volume 29, Nuber 4, pages 99-108, July 26, 2004 (29 SR 99), are adopted as proposed.

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Executive Order #04-10: Providing for State Departments to Improve Fleet and Travel Management

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this executive order:

WHEREAS, increased use of agricultural renewable fuels such as ethanol, biodiesel and hydrogen made from agricultural products will reduce Minnesota's dependence on imported oil and help protect our environment; and

WHEREAS, Minnesota's rural communities and agricultural economy stand to benefit enormously from increased use of these renewable fuels; and

WHEREAS, Minnesota leads the nation in the production and use of ethanol and biodiesel and Minnesota is a charter member of the Governors' Ethanol Coalition; and

WHEREAS, compared to other states, Minnesota has a unique economic advantage in the ability to produce clean, renewable, domestic fuels; and

WHEREAS, Executive Order 04-08 provides for state departments to take actions to reduce air pollution in daily operations; and

WHEREAS, *Minnesota Statutes*, Section 16C.135 requires state agencies, where feasible, to use cleaner fuels like ethanol, biodiesel, and hydrogen in state vehicles, and to purchase vehicles capable of being powered by these cleaner fuels;

KEY: Proposed Rules Section - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules Section -** Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Executive Orders

NOW, THEREFORE, I hereby order:

1. Using 2005 as a baseline, the State of Minnesota shall reduce the use of gasoline by on-road vehicles owned by state departments by 25 percent by 2010 and by 50 percent by 2015, and the use of petroleum-based diesel fuel by those vehicles 10 percent by 2010 and 25 percent by 2015.

2. To meet the goals established above, each state department will, whenever legally, technically and economically feasible, subject to the specific needs of the department and responsible management of agency finances:

- a. Ensure that at least 75 percent of purchases of new on-road vehicles, excluding emergency and law enforcement vehicles:
 - (1) use "cleaner fuels" as that term is defined in *Minnesota Statutes* Section 16C.135, clauses 1, 3 and 4; or
 - (2) have fuel efficiency ratings that exceed 30 miles per gallon for city usage or 35 miles per gallon for highway usage, including but not limited to hybrid electric cars and hydrogen-powered vehicles.
- b. Increase its use of renewable transportation fuels, including ethanol, biodiesel and hydrogen from agricultural products.
- c. Increase its use of web-based Internet applications and other electronic information technologies to enhance the access to and delivery of government information and services to the public, and reduce the reliance on the department's fleet for the delivery of such information and services.

3. *The Commissioner for the Department of Administration, or designee, shall chair a SmartFleet Committee consisting of representatives designated by the commissioners of the Pollution Control Agency, Department of Agriculture and Department of Commerce and other state departments that wish to participate. To ensure effective and efficient state participation under this order, the SmartFleet Committee shall assist state departments in implementing the requirements of this order, including providing information, guidance, sample policies and procedures, and technical and planning assistance.*

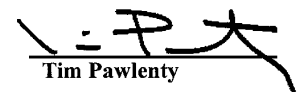
4. The SmartFleet Committee shall evaluate the goals and directives established above by December 2006 and periodically thereafter. The Committee shall make recommendations to the Governor for new or adjusted goals and directives, in light of the progress the state has made implementing this order, and of the availability of new or improved technologies.

5. For the systematic and efficient monitoring of progress in implementing this order by the Smart Fleet committee, the Department of Administration shall implement a fleet reporting and information management system. Each state department will use this management system to demonstrate its progress in complying with this order.

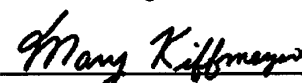
6. Petroleum-based diesel fuel used in a vehicle which a state department has retrofit to use ultra low sulfur diesel fuel and to add additional emissions control technologies is excluded when evaluating progress toward the reduction goals established in paragraph 1 of this Order. This exclusion applies only to vehicles purchased before the model year in which the federal Environmental Protection Agency's new clean diesel emission reduction rules take effect.

Pursuant to *Minnesota Statutes* 2004, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 2004, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand on this 27th day of September 2004.


Tim Pawlenty
Governor

Filed According to Law:


Mary Kiffmeyer
Secretary of State

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270.0604.

Department of Revenue

Revenue Notice #04-09: Sales and Use Tax – Advertising Materials Exemption

This Revenue Notice clarifies the term “advertising materials” under *Minnesota Statutes*, section 297A.68, subdivision 11 which provides an exemption from the sales and use tax for gross receipts received from the sale or use of advertising materials if these materials are mailed or transferred to a person outside the state for use solely outside the state.

The statute provides that the exemption applies not only to “advertising materials” which means materials designed to advertise and promote the sale of merchandise or services but also extends to “mailing and reply envelopes and cards.” The department’s position is that the terms “mailing and reply envelopes and cards” include the following shipping materials or mailing devices when they are used exclusively to mail or ship advertising materials:

- Boxes,
- Labels (part of an envelope),
- Styrofoam container; or
- Banding to hold a Styrofoam container together.

The department also takes the position that items that have a primary purpose other than advertising are not materials designed to advertise and promote the sale of merchandise or services even if those items also incorporate advertising content. Examples of items that are not exempt from the sales and use tax because they have a primary purpose other than advertising include:

- Items sent to fulfill a legal obligation. (Examples include: purchased or ordered goods, and rebate checks.)
- Items sent to transmit non-advertising information. (Examples include billing statements or invoices.)

Publication Date: October 4, 2004

TERESE M. MITCHELL, Director
Appeals and Legal Services Division

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Historical Society State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Tuesday, October 19, 2004, in the Cargill Commons, MacMillan Education Wing, Minnesota Historical Society History Center, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting’s agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call (651) 296-5434, or TTY 800-627-3529. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (651) 296-5434.

Official Notices

Metropolitan Council Environmental Services

Public Information Meeting on Systemwide Septage Management Study Findings and Recommendations Related to Future Acceptance of Hauled Liquid Waste

Tuesday, October 19, 2004 - 3:00 to 4:30 p.m.

Metro 94 Business Center, Suite 32

455 Etna Street, St. Paul, MN

The Metropolitan Council will hold a public information meeting to present and discuss the Systemwide Septage Management Study findings and recommendations.

Staff from Metropolitan Council Environmental Services (MCES), a an operating division of the Metropolitan Council, and their consultant, Camp Dresser & McKee (CDM) of St. Paul, will discuss the recommendations of the Systemwide Septage Management Study, which has been under way since early 2003. The study evaluated the current system of MCES's hauled liquid waste disposal sites, and developed a plan for future acceptance of hauled waste into the MCES wastewater collection and treatment system. A group of stakeholders consisting of MCES staff, liquid waste haulers, and city representatives has met five times during the study to provide feedback. A meeting also was held for all haulers in March 2004 to obtain initial feedback on preliminary recommendations.

The recommendation for future disposal sites includes three treatment plant sites (the Metropolitan Plant in St. Paul, the Empire Plant in Empire Township, and the Blue Lake Plant in Shakopee), and an upgraded interceptor site in Chanhassen. In addition, the plan calls for testing a prototype disposal site at the Empire Plant. If this is successful, MCES would consider working with haulers and receptive communities to establish one (or possibly two) new interceptor disposal sites to serve the northern portion of the Metropolitan Area (if acceptable locations can be found). All future disposal sites will have upgraded security and access features, a means for sampling and determining load volumes (most likely with truck scales), and detention tanks (if needed) to control the rate of discharge. Under this plan, several existing sites would be closed between 2005 and 2009. Estimated capital costs related to disposal site construction and upgrades may be up to \$5 million, not including land purchases (if needed). Note that MCES believes that private sector opportunities may exist with respect to receiving and treatment of hauled liquid waste.

A copy of the Systemwide Septage Management Study is available for review at:

- Metropolitan Council's Data Center, 230 E. Fifth St., St. Paul
- The MCES section of the Council's Web site at: <http://www.metrocouncil.org/environment/environment.htm> . (Under "What's New," click on "Systemwide Septage Management Study.")

Copies of the Executive Summary of the Systemwide Septage Management Study are available for review at:

- Anoka County Government Center, 2100 Third Ave., Anoka
- Carver County Government Center, 600 E. Fourth St., Chaska
- Dakota County Government Center, 1590 Highway 55, Hastings
- Hennepin County Government Center, 300 S. Sixth St., Minneapolis
- Ramsey County Government Center, 15 W. Kellogg Blvd., St. Paul
- Scott County Government Center, 200 Fourth Ave. W., Shakopee
- Washington County Government Center, 14949 N. 62nd St., Stillwater
- Anoka County Library (Northtown Library), 711 County Rd. 10 N.E., Blaine
- Carver County Library (Chaska Library), 3 City Hall Plaza, Chaska
- Dakota County Library (Farmington Library), 508 Third St., Farmington
- Hennepin County Library (Ridgedale Library), 12601 Ridgedale Dr., Minnetonka
- Ramsey County Library (Maplewood Library), 1670 Beam Ave., Maplewood
- Scott County Library (Savage Library), 13090 Alabama Ave. S., Savage
- Washington County Library (R. H. Stafford Branch Library), 8595 Central Park Place, Woodbury
- Brooklyn Park City Hall, 5200 85th Ave. N., Brooklyn Park
- Chanhassen City Hall, 7700 Market Blvd., Chanhassen
- Coon Rapids City Hall, 11155 Robinson Dr. N.W., Coon Rapids
- Eagan City Hall, 3830 Pilot Knob Rd., Eagan
- Empire Town Hall, 3385 W. 197th St., Empire Township
- Forest Lake City Hall, 220 Lake St. N., Forest Lake

- Minnetonka City Hall, 14600 Minnetonka Blvd., Minnetonka
- Plymouth City Hall, 3400 Plymouth Blvd., Plymouth
- Shakopee City Hall, 129 Holmes St. S., Shakopee
- White Bear Township Administrative Office, 1281 Hammond Road, White Bear Township

All interested persons are encouraged to attend the public information meeting on Oct. 19, 2004, and provide comments.

You also may submit comments, which must be **received** by MCES no later than October 29, 2004:

- Send written comments to: Wendy Reust, Metropolitan Council Environmental Services, 230 E. Fifth St., St. Paul, MN 55101
- Fax comments to: Wendy Reust at (651) 602-4533
- Record comments on: Metropolitan Council Public Comment Line at (651) 602-1500
- E-mail comments to: data.center@metc.state.mn.us
- Send TTY comments to (651) 291-0904

Upon request, the Council will provide reasonable accommodations to persons with disabilities. Please submit such requests to Wendy Reust via mail or fax (see above) or by phone at (651) 602-4514 before October 12, 2004.

Department of Natural Resources

Notice of Conveyance to Establish Boundary Lines Relating to Certain State Landholdings to PK Meyer Builders, Inc.

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes*, section 84.0273, the State of Minnesota proposes to convey by a boundary line agreement and quit claim deed such rights, titles and interests in state lands located in the Northwest Quarter of the Northwest Quarter of Section 21, Township 109 North, Range 11 West, Wabasha County, to PK Meyer Builders, Inc. a Minnesota Corporation and PK Meyer Builders, Inc. a Minnesota Corporation proposes to convey by the same agreement and quit claim deed such right titles and interests in its adjacent lands as are necessary for the purpose of establishing boundaries.

The reason for this conveyance is that the existing property descriptions are based on the centerline of an Old Highway at certain culverts that are no longer in existence and the property descriptions are described using only general directions with no defined bearings or basis of orientation.

The parties wish to make their mutual boundaries more definite and certain, and clarify their legal descriptions to coincide more accurately with the actual use on the ground.

Additional information about this conveyance or a copy of the proposed conveyance can be obtained by contacting:

Minnesota Department of Natural Resources
Division of Lands and Minerals
500 Lafayette Road Box 45
St. Paul, Minnesota 55155-4045

Bruce W. Shepperd, Project Surveyor
(651) 296-5278
E-mail: bruce.shepperd@dnr.state.mn.us

Department of Natural Resources

Notice of Conveyance to Establish Boundary Lines Relating to Certain State Landholdings to Carla A. Schellberg

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes*, section 84.0273, the State of Minnesota proposes to convey by a boundary line agreement and quit claim deed such rights, titles and interests in state lands located in the North Half of Section 1 and the North Half of the Northeast Quarter of Section 2, Township 121 North, Range 46 West, and the Southeast Quarter of Section 35, Township 122 North, Range 46 West, Big Stone County, to Carla A. Schellberg and Carla A. Schellberg proposes to convey by the same agreement and quit claim deed such right titles and interests in its adjacent lands as are necessary for the purpose of establishing bound-

Official Notices

aries. The reason for this conveyance is that the existing property descriptions were derived by scaling angles and distances on an air photo and are not in agreement with existing conditions as located per field measurements made in July and August of 2002.

The parties wish to make their mutual boundaries more definite and certain, and clarify their legal descriptions to coincide more accurately with the actual use on the ground.

Additional information about this conveyance or a copy of the proposed conveyance can be obtained by contacting:

Minnesota Department of Natural Resources
Division of Lands and Minerals
500 Lafayette Road Box 45
St. Paul, Minnesota 55155-4045

Bruce W. Shepperd, Project Surveyor
(651) 296-5278
E-mail: bruce.shepperd@dnr.state.mn.us

Department of Natural Resources

Notice of Public Informational Meeting on Proposed PolyMet Mining Project

NOTICE IS HEREBY GIVEN that the Department of Natural Resources and PolyMet Corporation will be holding a public informational meeting on the proposed PolyMet mining project to be located north of Hoyt Lakes, MN. The meeting will be held at 6:30 p.m. on Wednesday, November 3, 2004 at the Hoyt Lakes Community Building, Hoyt Lakes, MN.

The PolyMet Corporation has proposed a nonferrous metallic mineral mining project that involves mining and processing ore for copper and nickel and other associated minerals. Portions of the former LTV taconite plant and surrounding area are expected to be utilized by PolyMet. The mine pits and stockpile areas are to be located approximately eight miles east of the processing plant.

PolyMet is intending to submit a Permit to Mine application to the Department of Natural Resources as required by *Minnesota Rules* Chapter 6132.

For additional information, please call Steve Dewar at (218) 262-7324.

Minnesota Department of Public Safety

Driver and Vehicle Services Division

REQUEST FOR COMMENTS on Possible Permanent Rules Relating to the Denial or Cancellation of a Driver's License or Permit for Truancy, *Minnesota Rules*, Chapters 7409 and 7410

Subject of Rules. The Minnesota Department of Public Safety, Driver and Vehicle Services Division (DVS), requests comment on possible permanent administrative rules relating to the denial or cancellation of the driver's license or driving permit of a minor who is an "habitual truant" as defined in *Minnesota Statutes*, section 260C.007, subdivision 19.

- DVS anticipates requiring written affirmation from a minor, at the time of license and permit application, of compliance with required school attendance under *Minnesota Statutes*, section 120.22 as verified by a school authority.
- The rules would provide for immediate cancellation of the driver's license or driving permit only when DVS is notified of withdrawal by the minor's parent, guardian, adult spouse, adult close family member, or adult employer under *Minnesota Statutes*, section 171.04, subdivision 1, of the required permission for the minor to apply for a driver's license or permit.
- The rules would address reissuance of the license or permit when the consenting adult under section 171.04 indicates the minor is no longer habitually truant and grants permission for reapplication.
- The permanent rules would be placed in *Minnesota Rules*, Chapter 7410 relating to license and permit application requirements, and Chapter 7409 relating to loss of driving privileges.

Official Notices

Persons affected. The possible rules would likely affect or be of interest to any person required to be enrolled in school, the individual's parent or guardian, public or nonpublic schools, school districts, law enforcement, the courts, county attorneys, and the general public.

Statutory authority. *Minnesota Statutes*, sections 14.06, 171.04, 171.14 and 299A.01 provide authority to establish standards for the issuance of driver's licenses and permits, and the denial and cancellation of permits and licenses.

Public comment. Interested persons or groups may submit comment or information on the possible rules in writing or orally until further notice is published in the *State Register* that DVS intends to adopt or withdraw proposed rules.

DVS plans to establish an advisory committee of parties potentially affected by the possible rules to comment on a draft of the possible rules. The committee shall be comprised of representatives of the Office of the Governor, Department of Education, Department of Finance, Department of Administration, law enforcement, public and nonpublic secondary schools, county attorneys and parents.

Rule drafts. DVS has not yet prepared a draft of the possible rule amendments.

Agency contact person. Written or oral comment, questions, and requests for more information on the possible rules should be addressed to:

Patricia McCormack, Director
Driver and Vehicle Services Division
Department of Public Safety, Driver and Vehicle Services Division, Suite 195
445 Minnesota Street
St. Paul, Minnesota 55101-5195
Phone: (651) 296-4544; **FAX:** (651) 296-3141
E-mail: Patricia.McCormack@state.mn.us

Alternative format. This Request for Comment can be made available in an alternative format such as large print, Braille, or cassette tape. To make such a request, contact the agency contact person listed above.

Note: Comment received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt the rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: September 20, 2004

Michael Campion, Commissioner
Minnesota Department of Public Safety

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Department of Administration

Radio Communications Towers Available for Lease

NOTICE IS HEREBY GIVEN that the State of Minnesota, Department of Administration, herein after referred to as the "State" hereby notifies all interested parties that the Minnesota Department of transportation, will permit the use of excess space on selected Mn/DOT owned, radio communications towers.

Requests to use available space on a specific tower(s) will be on a first come first served basis. All requests will be screened and approved/disapproved by the Minnesota Department of transportation for structural loading requirements and frequency compatibility with existing and planned State radio systems. To obtain information containing a complete list of available towers, a sample License Agreement, and a "Use Request Form" (URF) contact:

Minnesota Department of Administration
Real Estate Management Division
309 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Phone: (651) 296-6674
Fax: (651) 215-6245

Department of Administration

State Architect's Office

Notice of Availability of Request for Proposals for Civil Engineering Services to Reshape and Grout the Deep Storm/Sanitary Sewer Tunnel at the Minnesota Correctional Facility (MCF) - Faribault, MN

State's Project No. 78528 FAL

The State of Minnesota through its Department of Administration, State Architect's Office ("State") is soliciting proposals to obtain engineering services for the design, bidding, construction observation and inspection work to accomplish corrective work to limit the erosion of the tunnel walls and stabilize the sandstone tunnel surfaces. Also included in the scoped of work will be design services to provide an underground radio communication system in the tunnel.

The full Request for Proposal is available at www.sao.admin.state.mn.us, click on "Solicitation Announcements", click on "RFP for Design of Deep Tunnel Repairs at MCF-Faribault". Responses must be received no later than **2:00 p.m., Central Daylight Time, on Wednesday, November 3, 2004**. RFP clarifications or changes, if any, will also be posted and available on web site www.sao.admin.state.mn.us, click on "Solicitation Announcements", click on same project as stated above. Late responses will not be considered.

A walking tour of the site is scheduled for **10:00 a.m., Friday, October 15, 2004**.

Questions may be **faxed** to attention of Roger Rooney, at (651) 296-7650 or **emailed** to roger.rooney@state.mn.us. This is the only person authorized to respond to questions. Questions must be received no later than **4:00 p.m. on Thursday, October 21, 2004** and responses to questions will be available on Thursday, **October 28, 2004** on web site www.sao.admin.state.mn.us, (click on "Solicitation Announcements").

**Department of Transportation
Engineering Services Division****Notice of Potential Availability of Contracting Opportunities for a Variety of
Highway Related Technical Activities (the “Consultant Pre-Qualification Program”)**

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT’s **web site** at: <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE:

APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

**Department of Transportation
Engineering Services Division****Notice Concerning Professional/Technical Contract Opportunities**

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT’s Consultant Services **website** at: www.dot.state.mn.us/consult.

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Minnesota State Court, 4th Judicial District (Hennepin County) Request for Proposal for Conversion of 4th Judicial District Case Tracking Data to MNCIS

The 4th Judicial District is seeking proposals from qualified vendors to provide data conversion services for three case tracking systems that will be migrated to the State Court MNCIS system. A qualified vendor will be able to provide end-to-end solutions (including project management, planning, analysis and design, programming and execution).

The Request for Proposals can be downloaded from the Minnesota State Court website at:

<http://www.courts.state.mn.us/news/postingList.aspx?category=news&pageID=130>

or is available by writing or calling Jim Wehri, 4th Judicial District, C-1251 Government Center, 300 So 6th St, Minneapolis, MN 55487.

Telephone: (612) 348 6060, or **E-mail:** jim.wehri@courts.state.mn.us.

A vendor conference is scheduled for October 6, 2004 at 1:30 PM in the Hennepin County Auditorium, A-Level, Hennepin County Government Center, 300 So 6th St., Minneapolis, MN.

Proposals must be received no later than 4:00 p.m. local (i.e., Minneapolis) time on October 25, 2004. Late proposals will not be accepted.

Ramsey-Washington Metro Watershed District Notice of Request for Proposals for General Contracting Services

The RWMWD is requesting proposals for General Contracting Services to assist the District with the construction of a 6,000 to 7,000 square foot District Office Building with occupancy no later than February 2006.

This Request for Proposals is issued:

September 27, 2004

Proposal Deadline:

Tuesday, October 25, 2004, Noon Central Time

Contract Award:

November, 2004

All firms interested in being considered for this project and desiring to receive a RFP package are invited to call, email or write to:

Jason Mundstock
CB Richard Ellis, Inc.
7760 France Ave. South, Suite 770
Minneapolis, MN 55435-5852
(952) 924-4613
E-mail: Jason.mundstock@cbre.com

University of Minnesota Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

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St. Paul, MN 55155

Telephone: (651) 297-3000; FAX: (651) 215-5733; E-mail: minnesotasbookstore.com

10% OFF! Trees of Minnesota Field Guide

This pocket-sized field guide features 93 species of Minnesota trees. Easy-to-use thumb tabs show leaf type; fact-filled information includes comparison of average tree height to a two-story house; full color photos showing bark, blossoms, leaves, and fruit. **Stock Number: 9-45 Price: \$11.66**

Publisher: Adventure Publishing Year: 2001 Pages: 194

10% OFF! Minnesota Travel Companion: A Guide to History Along Minnesota's Highways

Make your road trips come alive, with this great collection of historical background about the communities and people living along our most frequently traveled highways. Learn about the Sioux uprising that caught settlers by surprise in the Hwy. 7 area near Hutchinson. Discover that the city of Hibbing (off of Hwy. 169 North) was moved from its original location in 1915 to allow for access to rich deposits of ore. Find out what Minnesota town along Hwy. 35 South was the first to form a cooperative, spawning what has grown to 1400 coops throughout the nation, 50% of them in Minnesota. Learn how towns got their name, how they interact with the rivers and railroad, etc.

Stock Number: 19-114 Price: \$17.96 Publisher: U of M Press Year: 2001 Pages: 253

Minnesota's Iron Country: Rich Ore, Rich Lives

Northern Minnesota's rich iron ore deposits helped shape the destiny of the United States, and in times of war helped protect the world. The story is all here in this exploration of Minnesota's Iron Country, revealing the lives of a remarkable people, and the industrial and political forces of one of America's most important regions. **Stock Number: 17-10 Price: \$19.95 Publisher: Lake Superior Port Year: 2004 Pages: 276**

Field Guide to the Freshwater Mussels of Minnesota

A tool for anyone interested in identifying and learning about Minnesota freshwater mussels. Contains photographs, shell descriptions, habitat associations, and distribution maps. Also contains general information about mussels, their importance in the ecosystem, threats to their survival, collection methods and collection regulations. **Stock Number: 9-90 Price: \$9.95**

Publisher: Natural Resources Year: 2003 Pages: 144

NEW! Minnesota Contractor's Reference Manual

An essential reference that explains how the contracting industry works, and prepares you for the licensing examination. Organized into 12 chapters, including a glossary of legal and industry terms, the manual provides and easy-to-reead description of procedures and legal requirements. Includes copies of important government rules and regulations. **Stock Number: 26-14 Price: \$55.00**

Publisher: Experior Year: 2003 Pages: 64



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